

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:
KAWAMIYA, Osamu

AOYAMA & PARTNERS, IMP
Building, 3-7, Shiromi
1-chome, Chuo-ku, Osaka-shi, Osaka 5400001 Japan

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 02.8.2005

Applicant's or agent's file reference
665092

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2005/004870

International filing date (day/month/year)
14.03.2005

Priority date (day/month/year)
12.03.2004

International Patent Classification (IPC) or both national classification and IPC
Incl. G01C19/56, G01P9/04

Applicant
MATSUSHITA ELECTRIC WORKS, LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

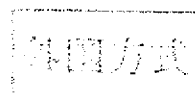
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion		19.07.2005	
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan		Authorized officer Yoshiro Ariie Telephone No. +81-3-3581-1101 Ext. 3258	

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

- ☐ paid additional fees
☐ paid additional fees under protest
☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

- ☐ complied with
☒ not complied with for the following reasons:

Almost all the features in claim1 are disclosed in D1. Remaining feature is "support spring" relative to a support base plate extends from a mass body in only one direction, which just belongs to the common knowledge to the person skilled in the art, as is shown in D2-D5.

Also, features written in claims 3-5, 7, 14 are disclosed in D1 or just trivial. So claims 1, 3-5, 7, 14 lack novelty compared to D1.

D1: JP 2003-194545 A (Par.[0015],Par.[0024]-[0030],Fig.3-5,10-12)

D2: JP 11-2526 A (Par.[0014],Par.[0012], Fig.1)

D3: JP 6-281665 A (Par.[0053], Fig.1)

D4: JP 7-239339 A (Par.[0019])

D5: JP 2001-82964 A (Par.[0079])

Consequently, common features to claims 1-16 turned out not to be special, in the meaning of the second sentence in PCT R. 13.2.

There is no special technical feature found common to the remaining claims below:

- Claim2/ Shape of the support spring
Claim6/ Capacitance-adjusting electrode
Claim8/ Divided stationary driving electrode
Claim9/ Distance-adjusting electrode
Claim10/ Stationary driving electrode avoids a maximum amplitude region
Claim11/ "Said electrode wiring"(not mentioned in preceding claims)
Claim12/ Thickness of driven mass body
Claim13/ Through-hole in driven mass body
Claim15/ Specified structure to detect acceleration
Claim16/ Using a pair of gyro sensors

It is obvious that the separate inventions above are not linked so as to form a single general inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-5, 7, 14

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2</u>	YES
	Claims	<u>1, 3-5, 7, 14</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-5, 7, 14</u>	NO
Industrial applicability (IA)	Claims	<u>1-5, 7, 14</u>	YES
	Claims		NO

2. Citations and explanations

Almost all the features in claim1 are disclosed in D1. Remaining feature is "support spring" relative to a support base plate extends from a mass body in only one direction, which just belongs to the common knowledge to the person skilled in the art, as is shown in D2-D5.

Also, features written in claims 3-5, 7, 14 are disclosed in D1 or just trivial. So claims 1, 3-5, 7, 14 lack novelty compared to D1.

D1: JP 2003-194545 A (Par.[0015],Par.[0024]-[0030],Fig.3-5,10-12)

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Shape of the springs mentioned in Claim 2 is known as shown in Figure 1 of D2, which is obvious to be applied by a person skilled in the art. So claim 2 lacks inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 11 includes the word "said electrode wiring" but there is no electrode wiring mentioned in preceding claims.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 11 includes the word "said electrode wiring" but there is no electrode wiring mentioned in preceding claims.